UNITED STATES GOVERNMENT

Memorandum

1 - Mr. A. [illegible]on
1 - Mr. D. [illegible] Dalbey
1 - Mr. C. W. Bates

TO : Mr. E. S. Miller

DATE: 4/28/72

1 - Mr. E. S. Miller
1 - Mr. W. A. Branigan
1 - Mr. L. Whitson

FROM : W. A. Branigan

SUBJECT: LEE HARVEY OSWALD
IS - R - CUBA

On April 20, 1972, Acting Attorney General forwarded to Bureau for preparation of reply, a request by Bernard Fensterwald, Washington, D.C., attorney, under Freedom of Information Act, for three photos of an unidentified white male mentioned in Warren Commission Document 566, which has been made public.

Three photos with backgrounds cropped out had been displayed to one Pedro Gutierrez Valencia in Mexico. Gutierrez had alleged he had seen Lee Harvey Oswald and a Cuban leaving Cuban Embassy in Mexico, on October 1, 1963. Gutierrez could not identify man in photos. [redacted]

[redacted] the man in dark shirt with background cropped out was shown during investigation to Oswald's mother, Marguerite, who mistakenly thought photo was of Jack Ruby, who had killed her son. Photo shown to her is Commission Exhibit 237 and is available to public. One of photos shown Gutierrez may be identical with Exhibit.

Fensterwald, no friend of Bureau, is head of "Committee to Investigate Assassinations," a group apparently believing that murders of the Kennedy brothers and Martin Luther King, Jr. were conspiracies. While we owe Fensterwald nothing, he has made his request under Freedom of Information Act, and we must make certain we do not give him any legal advantage and still comply with law.

Enclosures sent 5-1-72

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PERS. REC. UNIT

Fensterwald, formerly Chief Counsel of the Senate Subcommittee on Administrative Practice and Procedures, became head of the Committee to Investigate Assassinations in 1969. This is a private group consisting of Jim Garrison, New Orleans District Attorney, former Special Agent William Turner and persons of that ilk. In July, 1971, a civil action by the Committee to Investigate Assassinations seeking disclosure of the FBI file on the assassination of Robert F. Kennedy was dismissed in U. S. District Court for the District of Columbia. In August, 1971, Dallas office of FBI was instructed that under no circumstances should Agents discuss any Bureau work with members of the Committee to Investigate Assassinations.

ACTION:

1. Attached is cable to Legat, Mexico, requesting copies of photos shown to Gutierrez for comparison with Warren Commission Exhibit, [redacted]

2. Attached is letter to Acting Attorney General advising him of referral to Legat, Mexico, and possibility that one of the photographs may be a Commission Exhibit.